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THE SPECIAL SESSION.—The attendance in the Special Session which is being held from February 3 to August 30 for the benefit of men who have been in the service is as follows: Third year, 67; second year, 66; first year, 153; unclassified, 21; total, 307. As there are 127 men in the regular session, the total registration in the school is now 434 as compared with 68 in November.

All the courses in the Special Session except three are being taught by the regular teaching staff. The courses in Suretyship and Mortgage and Evidence are being given by Mr. Morton C. Campbell, and in Constitutional Law (both the special and regular sessions) by Mr. Francis B. Sayre.

Mr. Campbell received the degree of A.B. from Washington and Jefferson College in 1896 and the degrees of LL.B. and S.J.D. from this school in 1900 and 1915, respectively. He has been a member of the faculties of the law schools of Tulane University and of the University of Indiana.

Mr. Sayre received the degree of A.B. from Williams College in 1907 and the degrees of LL.B. and S.J.D. from this school in 1912 and 1918. After leaving the school in 1912 he spent a year in the District Attorney's office in New York. Since then he has been Assistant to the President of Williams College and a teacher there of Government and International Law

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ABANDONMENT OF SHIP AT SEA. — It appears to be a settled rule of law in England as well as in this country that an abandonment of a ship at sea by the master and crew without any intention of returning to her has the effect of a renunciation of the contract of affreightment, and, if the cargo is afterwards brought into port by salvors, the cargo owner may

take possession of it there without paying any freight, although the ship owners may wish to take it on to its original destination.[1]

A curious question regarding the application of this rule lately arose in *Bradley* v. *Newsom, Sons & Co.*,[2] in which the judgment of the Court of Appeal was reversed by the House of Lords. The steamship *Jupiter*, on a voyage from Archangel to Hull with a cargo of timber, was attacked by an enemy submarine while crossing the Firth of Forth. The Germans by threats of sinking the ship compelled the crew to take to their boats, and then placed bombs in the ship, and explosions on board were afterwards heard. The submarine towed the boats about five miles and cast them adrift, and in the growing darkness of the evening the ship was lost sight of. Soon afterwards the crew were picked up by a trawler and taken to Aberdeen, where they arrived on the following morning. The master, supposing that the steamship had sunk, telegraphed to the owners to that effect, and they sent the information to the charterers. In fact, the ship was floated by the cargo and was found by a patrol boat and taken into Leith three days after and beached there. The charterers, having learned this, claimed possession of the cargo at Leith, and the ship owners insisted on the right to take it on to Hull and so earn the freight.

A majority of the House of Lords held that, as the crew in leaving the ship only yielded to force, there was not an abandonment without any intention of returning to her, but merely a temporary interruption of the voyage by the enemy submarine, and that the ship owners were entitled to carry on the cargo to Hull.

Lord Sumner dissented, on the ground that, although the master was induced by duress to quit the ship, yet after the boats were left free by the enemy he did not put back to look for the vessel, and after he had been picked up by the trawler he did not try to induce her commander to go back. "The real point of the case is the fact that the *Jupiter* was left for good at sea to fare as she might, and that the master and crew came ashore."[3] The master believed the *Jupiter* had sunk, but that did not prevent his action from being voluntary. "What is clear about the whole story is that in fact he then had neither animus nor spes revertendi, and if he left the ship to her fate for good and all, he did so all the more decidedly because he did actually think that she was no longer on the surface but was at the bottom."[4] In the court below, Pickford, L. J., also said,[5] "There is no doubt that he and the crew thought this to be the fact and that they had no intention of rejoining her."

It is remarkable that not one of the four law lords constituting the majority says anything as to the intention not to return to the vessel that was shown by the conduct of the master and crew after the Germans left them adrift in the boats. It is said that they were dispossessed by violence, and that it would be extravagant to impute to them the intention of leaving the ship for good. Lord Finlay says, "If a British destroyer had appeared on the scene and driven off or sunk the submarine, they would gladly have returned to the vessel." But they showed no

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[1] The Arno, 72 L. T. 621 (1895); The Cito, 7 P. D. 5 (1881); The Eliza Lines, 199 U. S. 119 (1895).

[2] [1919] A. C. 16; [1918] 1 K. B. 271.

[3] [1919] A. C. 16, 36.

[4] *Ibid.*, 44.

[5] [1918] 1 K. B. 271, 274.

such alacrity to return, when the submarine took herself off and left them free from that menace. They thought the ship was sinking when they lost sight of her, but that is a common expectation when the crew abandon a ship. They afterwards inferred that she had sunk. It is plain that they had no intention of returning when they got to Aberdeen, and the master telegraphed to the owners that she had been sunk by a submarine. As the conduct of the master and crew after the departure of the submarine, which was emphasized by Lord Sumner, as well as by Pickford, L. J., is not considered by the majority of the lords, the case is left in rather an unsatisfactory state. J. L. THORNDIKE.

RIGHT TO STRIKE IN WAR TIME. — The effect of a national emergency, such as the war with Germany, on the administration of justice is perhaps most strongly felt in courts of equity, for here there is more room for the exercise of the court's discretion, and hence more opportunity than in courts of law for the influence of considerations of public welfare and even public opinion. A decree was recently issued by the Supreme Court of New York which decided a controversy between individuals largely on the basis of national needs arising out of the war.[1] The plaintiff corporation was a shoe manufacturer. Eighty per cent of its output was military equipment for the United States government. It sought an injunction against officers, members, and agents of a labor union who were instigating a strike in the plaintiff's factory. The strike was accompanied by violence, assaults, and mass picketing. The court issued a permanent injunction against the acts of violence, and also enjoined all strikes "for any cause whatever" for the duration of the war.

The acts of violence enjoined were, on the evidence, clearly unlawful, and it is not proposed to discuss that part of the decree. The remainder of the decree, against all strikes for any cause whatever, was based by the court on the contentions that "the principles announced in cases which arose before the war cannot be applied to the relation between workers and employers in war industries in so far as they conflict with the principles and policies of the United States government in the conduct of the war"; that the respective rights and relations of the parties "were modified and controlled by their obligations and duties to the United States government"; and that a labor union has no right "to induce or incite workmen in such industries to strike and not to work, and thereby jeopardize the successful outcome of our country's military operations, . . . even though to do so would have been lawful in times of peace."

It is fundamental that a court of equity protects individual interests only and not the interests of the state as such. It will, it is true, prevent public nuisances and purprestures upon public rights and property, but this jurisdiction of equity deals with the state as a property owner rather than as a sovereign.[2] Equity has, however, no jurisdiction to enjoin crimes.[3] It is therefore quite beside the point in the principal case that

[1] Rosenwasser Brothers *v.* Pepper, 172 N. Y. Supp. 310 (1918).

[2] *In re* Debs, 158 U. S. 564 (1895). See 2 STORY, EQUITY JURISPRUDENCE, 14 ed., § 1248 *et seq.*; 4 POMEROY, EQUITY JURISPRUDENCE, 3 ed., § 1349.

[3] Cope *v.* District Fair Ass'n, 99 Ill. 489 (1881). See 4 POMEROY, § 1347, note.